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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,201	12/26/2000	Mark L. Bazerman	91436-299	1322
22463	7590	02/23/2004	EXAMINER	
SMART AND BIGGAR 438 UNIVERSITY AVENUE SUITE 1500 BOX 111 TORONTO, ON M5G2K8 CANADA			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	5

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,201

Applicant(s)

BAZERMAN ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planas et al (6112015) and McIntyre et al (6229538).
4. Regarding claim 1, Planas et al shows a method for representing network link and connection information in a graphical user interface suitable for network management (column 2 lines 14-30) including: receiving information about network link state and connection status in a network (column 4 lines 35-60), operating an output to represent each link in a first state as a line with first visual characteristics and in a second state as a line having a second and different visual characteristic (column 5 lines 13-35 and 48-65, Figures 2B, 2G, 4A, 21C-D), representing a connection on a given network link as a line having a third visual characteristic different from the first two (Figures 21C-D and column 5 lines 48-65) such that when the link is in one state the

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line completely covers the line representing the network link (Figure 7, column 9 lines 1-10 and 42-50). Planas et al do not specifically show that in a second state the line representing the connection does not completely cover the line representing the network link, but do show other visual changes to the line such as dashed or dotted (Figure 7, Figure 21C, column 8 lines 45-65) for visual distinction. Furthermore, McIntyre et al show a different connection state being represented by not completely covering a line (Figure 13, column 15 lines 20-33) for visual distinction. It would have been obvious to a person with ordinary skill in the art to have this in Planas et al, because it would allow a convenient visual distinction.

5. Regarding claim 2, in addition to the aforementioned, McIntyre et al in fact shows the partial covering (Figure 13, column 15 lines 20-33). This is what was referred to in paragraph 1 of this Office Action, and the obviousness is the same.

6. Regarding claim 3, Planas et al show that the margin of a line is visible (Figure 21C element 230).

7. Regarding claim 4, Planas et al do not specifically state how the states are in or out of service and represented by the visual line changes per se, but do visually show multiple various connection situations (Figure 21E, Figure 5, column 8 lines 39-55).

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Furthermore, McIntyre et al do show visual line changes to represent in or out of service (Figures 13-14, column 16 lines 11-40) to visually show multiple various connection situations. It would have been obvious to a person with ordinary skill in the art to have this in Planas et al, because it would allow a convenient way to visually show multiple various connection situations.

8. Regarding claim 5, Planas et al show the different characteristics as being broken, or thicker (Figures 21E-F).

9. Regarding claim 6, Planas et al and McIntyre et al do not specifically show the various levels of thickness for three states, but do Planas et al for example do show multiple line colorings and shadings to distinguish three states (Figures 21E-F). Official Notice is taken that lines can be drawn with three different thicknesses. It would have been obvious to a person with ordinary skill in the art to have three thicknesses for three states in Planas et al, because it would be a convenient way to distinguish three states.

10. Regarding claim 7, Planas et al show the third state may be represented by a different pattern, the dashed line (Figure 21E).

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11. Regarding claim 8, Planas et al show the characteristics may be all different colors (Figure 21E).

12. Claims 9-14 show the same features as above and are rejected for the same reasons.

13. Regarding claims 15-17, Planas et al show red broken line, yellow and green solid lines which may be thick or thin (Figure 21E, column 16 lines 20-45).

14. Claims 18-26 show the same features as above and are rejected for the same reasons.

15. Regarding claim 27, Planas et al show the display of connections is different than that of the links (column 5 lines 40-60).

16. Applicant's arguments filed 12/17/04 have been fully considered but they are not persuasive. This perspective was discussed as well in a telephone interview on 2/18/04. The response here also serves to summarize that interview. The art demonstrates representing network connections and configurations on a graphical user interface. Applicants attempt to make a distinction that the present invention

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distinguishes a network link from an actual active connection over that link. Applicants use as evidence the description of the graphical user interface as representing both links and connections in different ways. Examiner points out that even if the claims describe representing both links and connections in different ways, that the claims fail to specify that the connections are live actual connections as opposed to a link that is feasible. Thus, the claims are sufficiently broad that the term connection does not distinguish over merely a connected link (which may always be connected). This in fact is shown in Planas and McIntyre combined, which combined represent just links and connect-feasible links differently. This is demonstrated above.

17.THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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18. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.


The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

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(703) 872-9306

Official Communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX
PRIMACY LAW FIRM